

United States Magistrate Judge James P. Donohue

CERTIFIED TRUE COPY
ATTEST: WILLIAM M. McCOOL
Clerk, U.S. District Court
Western District of Washington

By Sherry Gauthier
Deputy Clerk

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

18 MS - 00114 JPA
CASE NO.

In The Matter Of:

MAY CREEK LANDFILL SITE
Renton-Issaquah Road SE,
Renton, King County, Washington.

**ADMINISTRATIVE WARRANT FOR
ENTRY, INSPECTION, AND RESPONSE
PURSUANT TO 42 U.S.C. § 9604(e)**

TO: Any Officer, Employee, or Authorized Representative of the U.S.
Environmental Protection Agency, and Any Other Accompanying Federal,
State, or County Officer.

The United States has filed an *Ex Parte* Application for an Administrative Warrant for Entry, Inspection, and Response pursuant to 42 U.S.C. § 9604, and accompanying Declaration of Jeffrey Fowlow, the On-Scene Coordinator for the U.S. Environmental Protection Agency ("EPA"), Region 10. The Application is for an Administrative Warrant for entry to inspect; collect information; take photographs, samples, and records; conduct asbestos survey; determine the need for response; and provide for response actions at a property located at 15753 Renton-Issaquah Road SE, Renton, King County, Washington ("the Site"). The Application and Declaration establish that the EPA is authorized to conduct inspection and response activities set forth herein because it has reasonable cause to believe that a release or threatened release of hazardous

1 substances or pollutants or contaminants has occurred or is occurring at or from the Site, pursuant
2 to Section 104(e) of Comprehensive Environmental Response, Compensation, and Liability Act
3 ("CERCLA"), 42 U.S.C. § 9604(e). Specifically, the Court finds that reasonable grounds exist for
4 an entry pursuant to Section 104 of CERCLA, 42 U.S.C. § 9604, and for the issuance of an
5 administrative warrant for entry, inspection, and response.

6 WHEREFORE, the EPA, through its officers, employees, and authorized representatives,
7 the United States Marshal, or any other government officer, or any designated contractor acting at
8 the direction of the EPA, is hereby authorized to enter the Site (including any workshops, sheds,
9 temporary structures, and vehicles including buses, trucks, and RVs), forcibly, in the event of
10 unlawful resistance or obstruction, and, as necessary, to re-enter the Site, to conduct the following
11 activities:

- 12 1. To enter the Site during reasonable business hours.
- 13 2. To inspect, sample, and/or remove any containers, equipment, structures, or other
14 materials that are suspected of containing hazardous substances or pollutants or
15 contaminants at or within the Site.
- 16 3. To inspect and obtain samples from the soil and surface water that are suspected of
17 containing hazardous substances or pollutants or contaminants at or within the Site.
- 18 4. To collect, consolidate, package, and transport for proper disposal all hazardous
19 substances and contaminated materials found at or within the Site, as deemed necessary
20 by the EPA to ensure the protection of public health or welfare or the environment.
- 21 5. To conduct an asbestos survey at the Site.
- 22 6. To take photographs relating to Site conditions.
- 23 7. To take all steps necessary to determine the need for response action at or within the

1 Site to abate, prevent, or mitigate any release or substantial threat of release into the
2 environment of any hazardous substance or pollutant or contaminant.

3 If the EPA obtains any samples, before leaving the premises it shall give to the owner,
4 operator, tenant, or other person in charge of the place from which the samples were obtained a
5 receipt describing the sample obtained and, if requested, a portion of each such sample. A copy
6 of the results of any analysis made of such samples shall be furnished promptly to the owner,
7 operator, tenant, or other person in charge, if such person can be located.

8 If any items subject to this warrant are taken from the premises, the EPA shall give to the
9 person from whom or from whose premises the items are taken, a copy of this warrant and a receipt
10 for the items taken, or shall leave the copy and receipt at the place from which the items are taken.

11 The inspection and response activities shall begin as soon as practicable after issuance of
12 this warrant, and shall be conducted in a reasonable manner and reasonable length of time to enable
13 the EPA representatives to complete satisfactorily those actions authorized by this warrant, but in
14 no event shall the inspection and response activities continue longer than 30 calendar days from
15 the date hereof (unless the warrant is renewed or extended).

16 The EPA is authorized to bring to the Site and to utilize there whatever equipment,
17 machinery, or other tools are necessary to conduct this inspection and response activities.

18 A prompt return of this warrant showing that the inspection and response activities have
19 been completed, accompanied by a written inventory of any items taken, shall be made to this
20 Court no later than ten days from the completion of the inspection and response activities. The
21 inventory shall be made in the presence of the person executing the warrant and of the person from
22 whose possession or premises the items are taken, if they are present, or in the presence of at least
23 one credible person other than the person making such inventory, and it shall be verified by the


1 person executing the warrant.

2 The United States Marshal is hereby authorized to assist the EPA in such manner as may
3 be reasonably necessary and appropriate to execute this warrant and all the provisions contained
4 herein.

5 Dated this 15th day of November, 2018

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7 
8 JAMES P. DONOHUE
United States Magistrate Judge

9 PRESENTED BY:

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11 KATIE FAIRCHILD, WSBA #47712
12 Assistant United States Attorney
13 United States Attorney's Office
14 700 Stewart Street, Suite 5220
15 Seattle, Washington 98101-1271
16 Phone: 206-553-7970
17 Fax: 206-553-4067
18 Email: katie.fairchild@usdoj.gov
19
20
21
22
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